

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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APR 23 2001

In the Matter of

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.
(Potosi, Missouri)

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MM Docket No. _____
RM- _____

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY


PETITION FOR RULEMAKING

Four Him Enterprises, L.L.C. ("Four Him"), licensee of KHCR(FM), Potosi, Missouri, pursuant to Rule 1.401 requests that the Commission institute a rule making proceeding to amend Section 73.202(b) of its Rules, the FM Table of Allotments, by substituting Channel 249C2 in lieu of Channel 249C3 in Potosi, Missouri. In order to accommodate the upgrade of KCHR from 249C3 to 249C2, other channel substitutions are necessary as set forth in the attached Engineering Statement.

In order to accommodate the channel upgrade, it is necessary to eliminate short spacing to KDAA, Rolla, Missouri, which operates on Channel 248A. This short spacing can be eliminated, using KDAA's current transmitter site, by substituting Channel 276A for 248A in Rolla. Substitution of Channel 276A for Channel 248A would in turn cause short spacing to two other facilities: an allotment on Channel 276A in Linn, Missouri and Channel 279C, KJEL in Lebanon, Missouri.

The short spacing to the vacant allotment on Channel 276A in Linn, Missouri can be eliminated by substituting Channel 248A for Channel 276A in Linn. This substitution may be made from the present reference coordinates for the Channel 276A allotment.

In order to meet spacing requirements to KJEL, KJEL must be reclassified as a C0 facility. KJEL presently operates on Channel 279C with an effective radiated power of 100 kW at 300 meters above average terrain, which is well below the minimum Class C antenna height of 450 meters above average terrain. *See, Second Report and Order*, MM Docket 98-93 (released November 1, 2000)

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("Report and Order"). Because KJEL is operating below minimum Class C standards, it is subject to reclassification as a Class C0 facility pursuant to the triggering procedures adopted in the *Report and Order* and as outlined in note 2 to Section 1.420 of the FCC Rules. As a Class C0 facility, the required spacing from KJEL to Channel 276A in Rolla would be reduced from 95 kilometers to 86 kilometers, eliminating any short spacing between KJEL and the proposed use of Channel 276A from the present KDAA site.

The proposed KHCR upgrade will result in a significant public interest benefit. The upgrade will result in a 99.5 increase in population within the station's proposed 1 mV contour.

In the event this Petition is granted, Four Him will expeditiously file an application to operate on Channel 249C2 and will construct new facilities as authorized. Four Him will also, as required by Commission rules, reimburse the licensee of KDAA the reasonable costs of switching frequencies. Four Him further certifies it is aware of no alternative channel in lieu of the proposed C0 reclassification of KJEL.

WHEREFORE, Four Him Enterprises, L.L.C. respectfully requests that the following changes be made to the FM Table of Allotments:

	<u>Current</u>	<u>Proposed</u>
Potosi, Missouri	249C3	249C2
Rolla, Missouri	248A	276A
Linn, Missouri	276A	248A
Lebanon, Missouri	279C	279C0

Respectfully submitted,

FOUR HIM ENTERPRISES, L.L.C.

GAMMON & GRANGE, P.C.
8280 Greensboro Drive, 7th Floor
McLean, VA 22102-3807
(703) 761-5000

By: 
A. Wray Fitch III

April 23, 2001

ENGINEERING STATEMENT IN
SUPPORT OF PETITION
FOR RULEMAKING

CHANNEL 249C2 - POTOSI, MO

Four Him Enterprises, LLC
Potosi, MO

April 4, 2001

Prepared for: Mr. Michael W. Fallon
Four Him Enterprises, LLC
3950 East Dietrich Road
Foristell, MO 63348

CARL E. SMITH CONSULTING ENGINEERS

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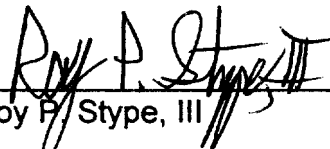
Table 1.4 - Present and Proposed KHCR Area and Population

ENGINEERING AFFIDAVIT

State of Ohio)
) ss:
County of Summit)


Roy P. Stype, III, being duly sworn, deposes and states that he is a graduate Electrical Engineer, a qualified and experienced Communications Consulting Engineer whose works are a matter of record with the Federal Communications Commission and that he is a member of the Firm of "Carl E. Smith Consulting Engineers" located at 2324 North Cleveland-Massillon Road in the Township of Bath, County of Summit, State of Ohio, and that the Firm has been retained by Four Him Enterprises, LLC to prepare the attached "Engineering Statement In Support of Petition for Rulemaking - Channel 249C2 - Potosi, MO."

The deponent states that the Exhibit was prepared by him or under his direction and is true of his own knowledge, except as to statements made on information and belief and as to such statements, he believes them to be true.



Roy P. Stype, III

Subscribed and sworn to before me on **April 4, 2001**.



Notary Public

/SEAL/

NANCY A. ADAMS, Notary Public
Residence - Cuyahoga County
State Wide Jurisdiction, Ohio
My Commission Expires Sept. 5, 2005

ENGINEERING STATEMENT

This engineering statement is prepared on behalf of Four Him Enterprises, LLC, licensee of Radio Station KHCR(FM) - Potosi, Missouri, in support of a petition to amend the FM Table of Allotments to upgrade KHCR to a Class C2 facility. KHCR presently operates on Channel 249 as a Class C3 facility. The data contained in this engineering statement documents that it is possible to upgrade KHCR to a Class C2 facility on its present channel.

The city reference coordinates for Potosi are:

NL - 37° 56' 11"
WL - 90° 47' 16"

This places Potosi within Zone II, as defined by Section 73.205(c) of the FCC Rules. Accordingly, as outlined in Section 73.210(a) of the FCC Rules, the allotment of a Class C2 channel to Potosi is permitted. The studies contained in this engineering statement were conducted from a site 4.7 kilometers northwest of Potosi. The geographic coordinates of this site are:

NL - 37° 58' 30"
WL - 90° 48' 30"

This site also falls within Zone II, permitting the operation of a Class C2 facility from this site.

Table 1.0 is an FM allocation study for Channel 249C2, which was conducted from the site described above. As shown in this table, operation on Channel 249C2 from this site would be short spaced to the present operation of KHCR on Channel 249C3 and also to KDAA - Rolla, Missouri, which operates on Channel 248A.^{1,2}

The short spacing to the present operation of KHCR should pose no problems, since this Class C3 allotment will be deleted if KHCR is upgraded to a Class C2 facility, as proposed herein. In fact, under the provisions of Section 1.420(g)(3) of the FCC Rules, this conflict with the present operation of KHCR will permit the license for KHCR to be modified to specify operation on Channel 249C2 without entertaining other expressions of interest regarding this channel.

The short spacing to KDAA can be eliminated by substituting another channel for Channel 248A in Rolla. Table 1.1 is an FM allocation study for Channel 276A in Rolla. This study was conducted from the coordinates for the licensed KDAA transmitter site:

NL - 37° 57' 50"
WL - 91° 45' 54"

¹Pursuant to the rounding provisions of Section 73.208(c)(8) of the FCC Rules, the 78.74 kilometer spacing to KYKY - St. Louis, Missouri is considered to comply with the required spacing of 79 kilometers.

²The data contained in the FCC's Consolidated Database System appears to indicate that the proposed use of Channel 249C2 in Potosi would also be short spaced to a vacant allotment on Channel 247A in Arcadia, Missouri. This appears to be the result of a database error, however, as the the Report and Order in MM Docket 97-168 allotted Channel 280A to Arcadia and not Channel 247A, which was an alternate proposal in this proceeding. This was confirmed by the FCC in their March 17, 2000 Memorandum Opinion and Order in MM Docket 97-168, which clarified this situation by correcting a typographic error in the original Report and Order in this proceeding.

As shown in this table, operation on Channel 276A from this site would be short spaced to two other facilities requiring protection consideration:³

Allotment	Linn, MO	Channel 276A
KJEL	Lebanon, MO	Channel 279C

The short spacing to the vacant allotment on Channel 276A in Linn can be eliminated by substituting another channel for Channel 276A in Linn. Table 1.2 is an FM allocation study for Channel 248A in Linn which was conducted from the present reference coordinates for this allotment:

NL - 38° 29' 06"
WL - 91° 51' 06"

As shown in this table, operation on Channel 248A from this site would be short spaced to the present operation of KDAA on Channel 248A. As noted above, however, KDAA would be moved from Channel 248A to Channel 276A to accommodate the allotment of Channel 249C2 to Potosi. Thus, this short spacing should not be a problem, since Channel 248A will be deleted from Rolla if Channel 249C2 is allotted to Potosi, as proposed herein. An examination of this table also shows that operation on Channel 248A

³The data contained in the FCC's Consolidated Database System appears to indicate that the proposed use of Channel 276A in Rolla would also be short spaced to a proposal in MM Docket 89-120 to substitute Channel 274C3 for Channel 272A in Waynesville, Missouri for use by KJPW-FM to accommodate a Class C1 upgrade by KBMX - Eldon, Missouri. This also appears to be the result of a database error, however, as the proposal to substitute Channel 274C3 for Channel 272A in Waynesville to accommodate the KBMX upgrade was denied by the Report and Order in MM Docket 89-120 and, instead, Channel 274A was allotted to Lake Ozark, Missouri. Although Lake Broadcasting, Inc., the licensee of KBMX has filed a petition for reconsideration, and several supplements thereto, of this action, none of these filings have reactivated the proposed Channel 274C3 substitution for Waynesville. Furthermore, KQUL has been issued a license for operation on Channel 274A in Lake Ozark, which precludes the allotment of Channel 274C3 to Waynesville. Finally, it should also be noted that the revocation of the license for KBMX appears to be approaching finality, which should render the pending petition for reconsideration filed by its licensee in MM Docket 89-120 moot.

from this site would meet the required spacing to the proposal to allot Channel 249C2 to Potosi.

KJEL presently operates on Channel 279C with an effective radiated power of 100 kilowatts at 300 meters above average terrain, which is well below the minimum Class C antenna height of 451 meters above average terrain established in the recent Second Report and Order in MM Docket 98-93. As a result, KJEL is subject to reclassification as a Class C0 facility pursuant to the triggering procedures adopted in this Report and Order and outlined in Note 2 to Section 1.420 of the FCC Rules. As a Class C0 facility, the required spacing from KJEL to Channel 276A in Rolla would be reduced from 95 kilometers to 86 kilometers, eliminating the short spacing between KJEL and the proposed use of Channel 276A from the present KDAA site.

Figure 1.3 is a map exhibit showing the predicted 3.16 mV/m (city grade) contour for the site specified above for Channel 249C2 in Potosi. This contour was projected assuming nondirectional operation with maximum Class C2 facilities of 50 kilowatts effective radiated power at 150 meters above average terrain, assuming uniform terrain. As shown in this figure, it will be possible to provide city grade service to all of Potosi on Channel 249C2 from the proposed reference coordinates.

Figure 1.4 is a map exhibit showing the predicted 1 mV/m contour for the proposed KHCR Channel 249C2 operation in relation to the predicted 1 mV/m contour for the present operation of KHCR on Channel 249C3. The proposed contour assumes nondirectional operation with maximum Class C2 facilities from the coordinates outlined above. The present contour assumes nondirectional operation from the present KHCR transmitter site with maximum Class C3 facilities of 25 kilowatts effective radiated

power at 100 meters above average terrain. Both of these contours were projected assuming uniform terrain. Table 1.4 presents detailed data on the present and proposed populations and areas, as well as the associated gain area.⁴ As shown by this data, the proposed KHCR upgrade will result in a 99.5% increase in the number of persons to which it provides 1 mV/m service.

Studies were then conducted to identify all other stations which provide full time aural service to any portion of the proposed gain area. For all FM stations, uniform terrain was assumed and all classes of stations were assumed to provide service to their 1 mV/m contour, pursuant to FCC policy. All commercial FM stations, with the exception of Class A and Class C stations, were assumed to be operating with the maximum facilities permitted for their class. Calculations for commercial Class C stations and all noncommercial educational FM stations were based on the stations' actual notified operating facilities. Class A stations were considered to be operating with the greater of their actual operating facilities or the former Class A maximum of 3 kilowatts effective radiated power at 100 meters above average terrain. All AM contours were projected utilizing the notified nighttime facilities for each station and conductivity data from FCC Figure M3. Class A AM stations were considered to provide service to their 0.5 mV/m groundwave contours, while all other AM stations were considered to provide service to their nighttime interference free contour, as defined by Section 73.182 of the FCC Rules. Class D AM stations operating at night with subminimum facilities were not considered in these studies, due to the fact that these stations operate on a secondary

⁴As is clearly shown in Figure 1.4, the proposed KHCR upgrade will not result in any area presently receiving 1 mV/m service from KHCR losing such service.

basis at night and are considered by the FCC to be daytime only stations, in spite of their limited nighttime facilities. These studies found that the entire gain area presently receives five or more full time aural services.

In summary, Channel 249C2 can be allotted to Potosi, Missouri in place of the present allotment on Channel 249C3, provided that Channel 276A is substituted for Channel 248A in Rolla, Missouri, Channel 248A is substituted for Channel 276A in Linn, Missouri, and KJEL - Lebanon, Missouri is downgraded from Channel 279C to Channel 279C0.

TABLE 1.0

FM ALLOCATION STUDY - CHANNEL 249C2 (97.7 MHz) - POTOSI, MO

 FOUR HIM ENTERPRISES, LLC
 POTOSI, MO

STUDY COORDINATES: 37/58/30 90/48/30

STATION	LOCATION	CHANNEL	CLASS	SPACING (km)	REQUIRED SPACING*	NOTES
-----	-----	-----	-----	-----	-----	-----
KFTK	FLORISSANT, MO	246	C1	89.54	79.0	
KREZ	MARBLE HILL, MO	247	A	92.10	55.0	3
KDAA	ROLLA, MO	248	A	84.07	106.0	1, 3, 11
RM	LINN, MO	248	A	107.47	106.0	10
WDLJ	BREESE, IL	248	A	142.43	106.0	2
KDEA	DONIPHAN, MO	248	C2	153.83	130.0	
WBBA-FM	PITTSFIELD, IL	248	B1	178.33	134.0	
WBBA-FM	PITTSFIELD, IL	248	B1	181.14	134.0	7
KHCR	POTOSI, MO	249	C3	4.38	177.0	3, 11
WQUL	WEST FRANKFORT, IL	249	A	166.68	166.0	
KAYQ	WARSAW, MO	249	A	222.01	166.0	3
KPOW-FM	LA MONTE, MO	249	C2	224.61	190.0	10
WLUJ	PETERSBURG, IL	249	A	234.70	166.0	7
WLUJ	PETERSBURG, IL	249	A	234.78	166.0	2
WLUJ	PETERSBURG, IL	249	A	244.70	166.0	
WTNE-FM	TRENTON, TN	249	C3	269.16	177.0	9
KFBD-FM	WAYNESVILLE, MO	250	A	121.23	106.0	
KFBD-FM	WAYNESVILLE, MO	250	C3	135.96	117.0	2
KBXB	SIKESTON, MO	250	C2	149.33	130.0	1
KICK-FM	PALMYRA, MO	250	C2	206.74	130.0	
KTLO-FM	MOUNTAIN HOME, AR	250	C2	229.26	130.0	1
KYKY	ST. LOUIS, MO	251	C1	78.74	79.0	
KOZX	CABOOL, MO	251	A	149.88	55.0	
KFMZ	COLUMBIA, MO	252	C2	158.39	58.0	

* Required Spacing Per Section 73.207 of The FCC Rules

TABLE 1.0 (cont'd)

FM ALLOCATION STUDY - CHANNEL 249C2 (97.7 MHz) - POTOSI, MO

FOUR HIM ENTERPRISES, LLC
POTOSI, MO

Notes:

- | | |
|--------------------------------------|----------------------------------|
| 1 - Applied For Under Section 73.215 | 7 - Pending Application |
| 2 - Construction Permit | 8 - Petition For Reconsideration |
| 3 - Channel Deletion Proposed | 9 - Proposed Rulemaking |
| 4 - Move From This Channel Ordered | 10 - Rulemaking Petition |
| 5 - Move to This Channel Ordered | 11 - Short-Spaced |
| 6 - One Step Reference Site | 12 - Vacant Allotment |

TABLE 1.1

FM ALLOCATION STUDY - CHANNEL 276A (103.1 MHz) - ROLLA, MO

 FOUR HIM ENTERPRISES, LLC
 POTOSI, MO

STUDY COORDINATES: 37/57/50 91/45/54

STATION	LOCATION	CHANNEL	CLASS	SPACING (km)	REQUIRED SPACING*	NOTES
-----	-----	-----	-----	-----	-----	-----
WIL-FM	ST. LOUIS, MO	222	C	132.81	29.0	
KELE-FM	MOUNTAIN GROVE, MO	223	A	101.45	10.0	5, 12
KKDY	WEST PLAINS, MO	273	C2	141.91	55.0	
KEZK-FM	ST. LOUIS, MO	273	C	143.03	95.0	
KQUL	LAKE OZARK, MO	274	A	71.61	31.0	
KMMO-FM	MARSHALL, MO	275	C1	181.68	133.0	
KMMO-FM	MARSHALL, MO	275	C1	194.93	133.0	7
KEZS-FM	CAPE GIRARDEAU, MO	275	C1	203.92	133.0	
KHOZ-FM	HARRISON, AR	275	C1	214.49	133.0	
ALLOTMENT	LINN, MO	276	A	58.34	115.0	3, 11, 12
KLOU	ST. LOUIS, MO	277	C1	142.84	133.0	
KWOZ	MOUNTAIN VIEW, AR	277	C	242.44	165.0	
KZMA	POPLAR BLUFF, MO	278	C2	177.42	55.0	
KJEL	LEBANON, MO	279	C	87.90	95.0	3, 11
KJEL	LEBANON, MO	279	C0	87.90	86.0	10

* Required Spacing Per Section 73.207 of The FCC Rules

Notes:

- | | |
|--------------------------------------|----------------------------------|
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| 4 - Move From This Channel Ordered | 10 - Rulemaking Petition |
| 5 - Move to This Channel Ordered | 11 - Short-Spaced |
| 6 - One Step Reference Site | 12 - Vacant Allotment |

TABLE 1.2

FM ALLOCATION STUDY - CHANNEL 248A (97.5 MHz) - LINN, MO

FOUR HIM ENTERPRISES, LLC
POTOSI, MO

STUDY COORDINATES: 38/29/06 91/51/06

STATION	LOCATION	CHANNEL	CLASS	SPACING (km)	REQUIRED SPACING*	NOTES
KUPH	MOUNTAIN VIEW, MO	245	C2	165.85	55.0	
KFTK	FLORISSANT, MO	246	C1	103.10	75.0	
KPOW-FM	LA MONTE, MO	246	C3	124.11	42.0	3
KCSX	MOBERLY, MO	247	C3	110.59	89.0	3
KCSX	MOBERLY, MO	247	C2	116.70	106.0	9
KXUS	SPRINGFIELD, MO	247	C1	177.25	133.0	
KDAA	ROLLA, MO	248	A	58.34	115.0	1, 3, 11
WBBA-FM	PITTSFIELD, IL	248	B1	152.12	143.0	
WBBA-FM	PITTSFIELD, IL	248	B1	154.94	143.0	7
KRLI	MALTA BEND, MO	248	C3	166.37	142.0	3
WDLJ	BREESE, IL	248	A	214.78	115.0	2
KOEA	DONIPHAN, MO	248	C2	229.37	166.0	
KHCR	POTOSI, MO	249	C2	107.47	106.0	10
KHCR	POTOSI, MO	249	C3	111.81	89.0	3
KPOW-FM	LA MONTE, MO	249	C2	118.71	106.0	10
KAYQ	WARSAW, MO	249	A	129.26	72.0	3
KFBD-FM	WAYNESVILLE, MO	250	C3	74.20	42.0	2
KFBD-FM	WAYNESVILLE, MO	250	A	78.18	31.0	
KICK-FM	PALMYRA, MO	250	C2	144.48	55.0	
KYKY	ST. LOUIS, MO	251	C1	133.49	75.0	

* Required Spacing Per Section 73.207 of The FCC Rules

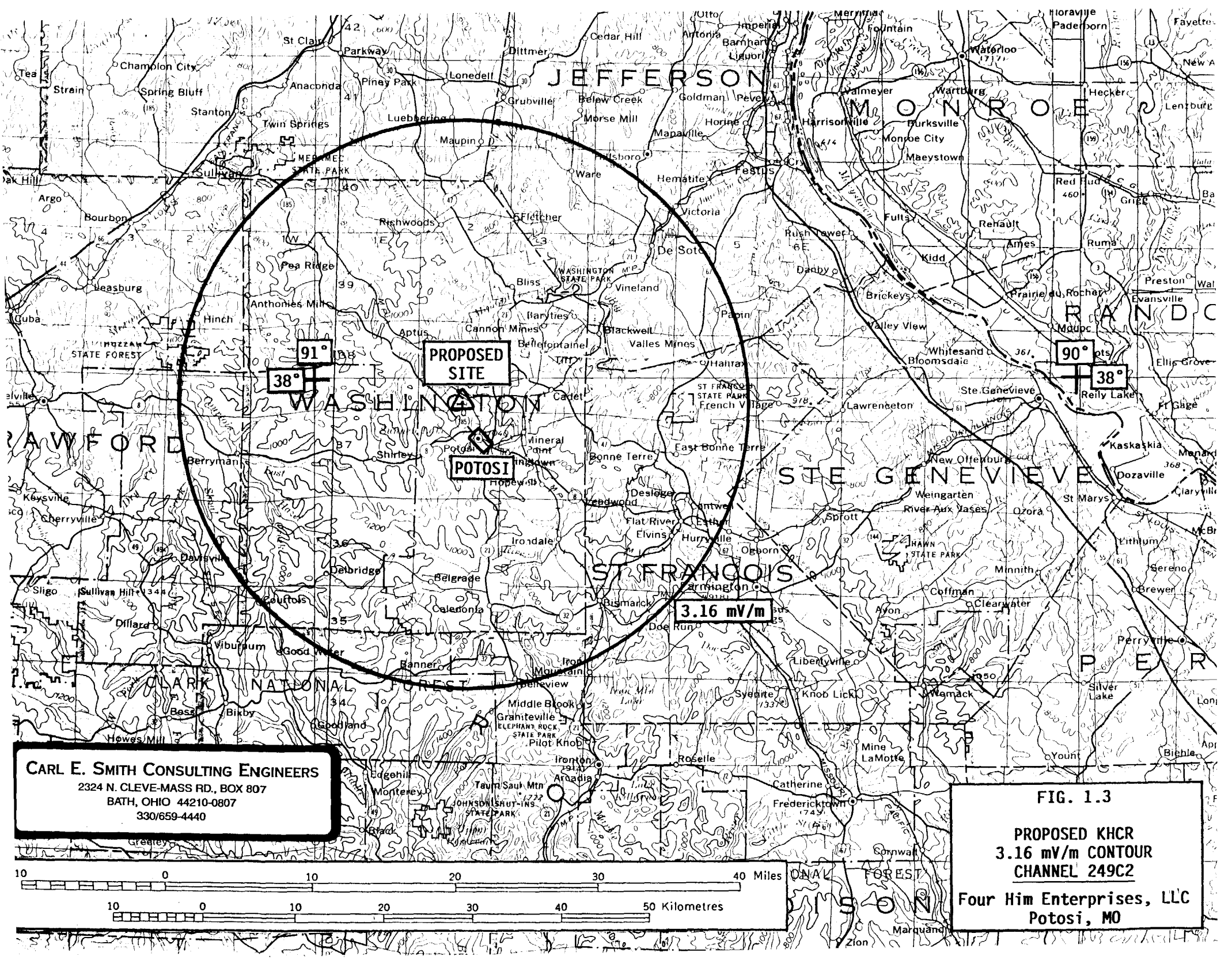
TABLE 1.2 (cont'd)

FM ALLOCATION STUDY - CHANNEL 248A (97.5 MHz) - LINN, MO

FOUR HIM ENTERPRISES, LLC
POTOSI, MO

Notes:

- | | |
|--------------------------------------|----------------------------------|
| 1 - Applied For Under Section 73.215 | 7 - Pending Application |
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| 5 - Move to This Channel Ordered | 11 - Short-Spaced |
| 6 - One Step Reference Site | 12 - Vacant Allotment |



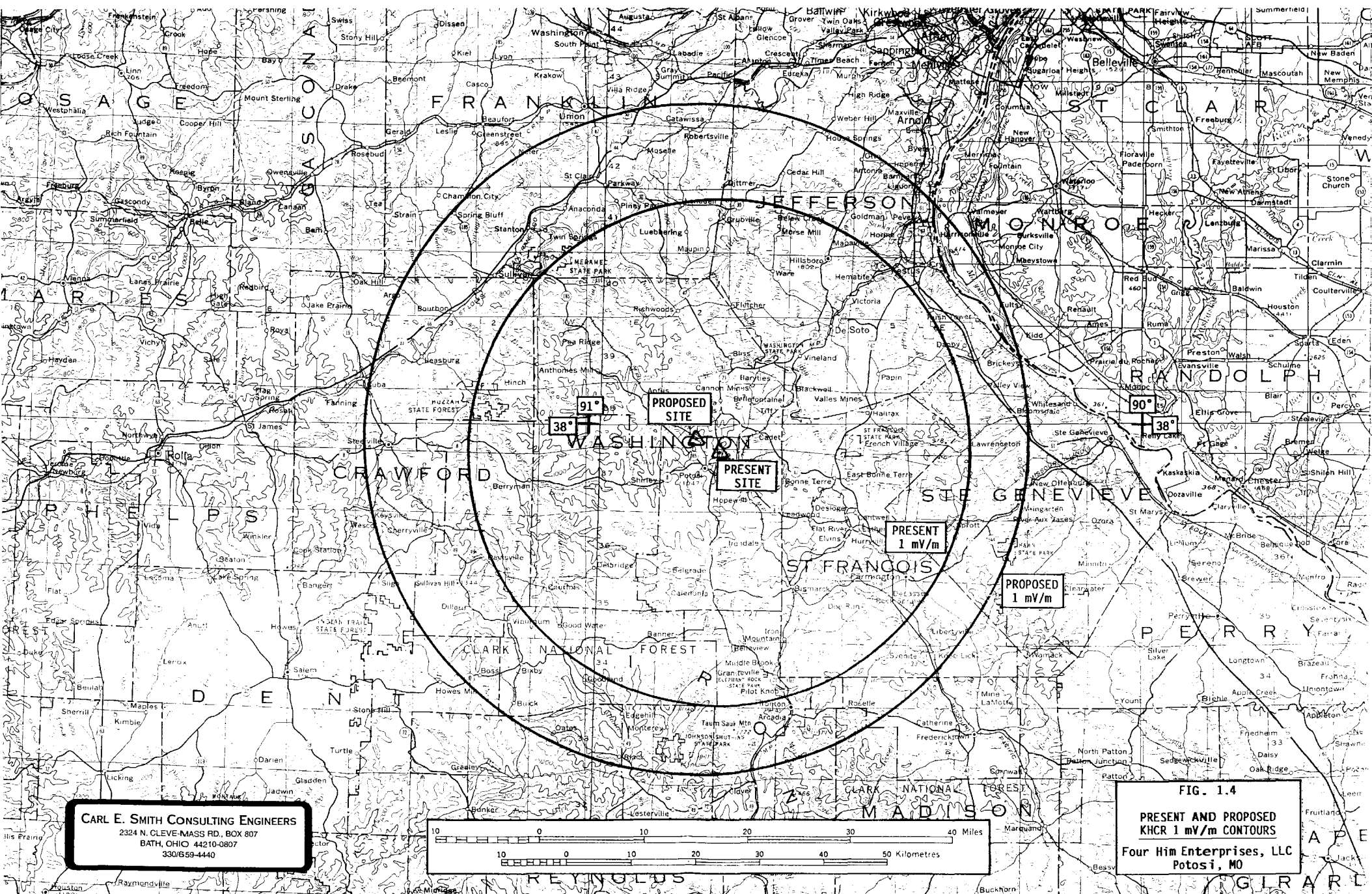


TABLE 1.4

PRESENT AND PROPOSED
KHCR AREA AND POPULATION

Four Him Enterprises, LLC
Potosi, MO

	<u>Area</u> <u>(Square Kilometers)</u>	<u>Population</u> <u>(1990 Census)</u>
Present	4,802.9	104,725
Gain	3,757.4	104,202
Loss	0.0	0
Proposed	8,560.3	208,927
Net Gain	3,757.4	104,202


CERTIFICATE OF SERVICE

I, Millie Adams, in the law offices of Gammon & Grange, P.C., hereby certify that I have sent copies of the foregoing PETITION FOR RULEMAKING this 23rd day of April 2001, by first-class, postage prepaid, U.S. Mail to the following:

* John A. Karousos, Chief, Allocations Branch
Federal Communications Commission
445 12th Street, S.W., Room 3A-266
Washington, D.C. 20554

KDAA-KMOZ, L.L.C.
P.O. Box 4584
Springfield, MO 65808

Ozark Broadcasting, Inc.
P.O. Box 430
Moberly, MO 65270


Millie Adams

* By Hand